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IN THE

Supreme Court of the United States

October Term, 1949.

No. 471

CURTIS COURANT,

Petitioner,

vs.

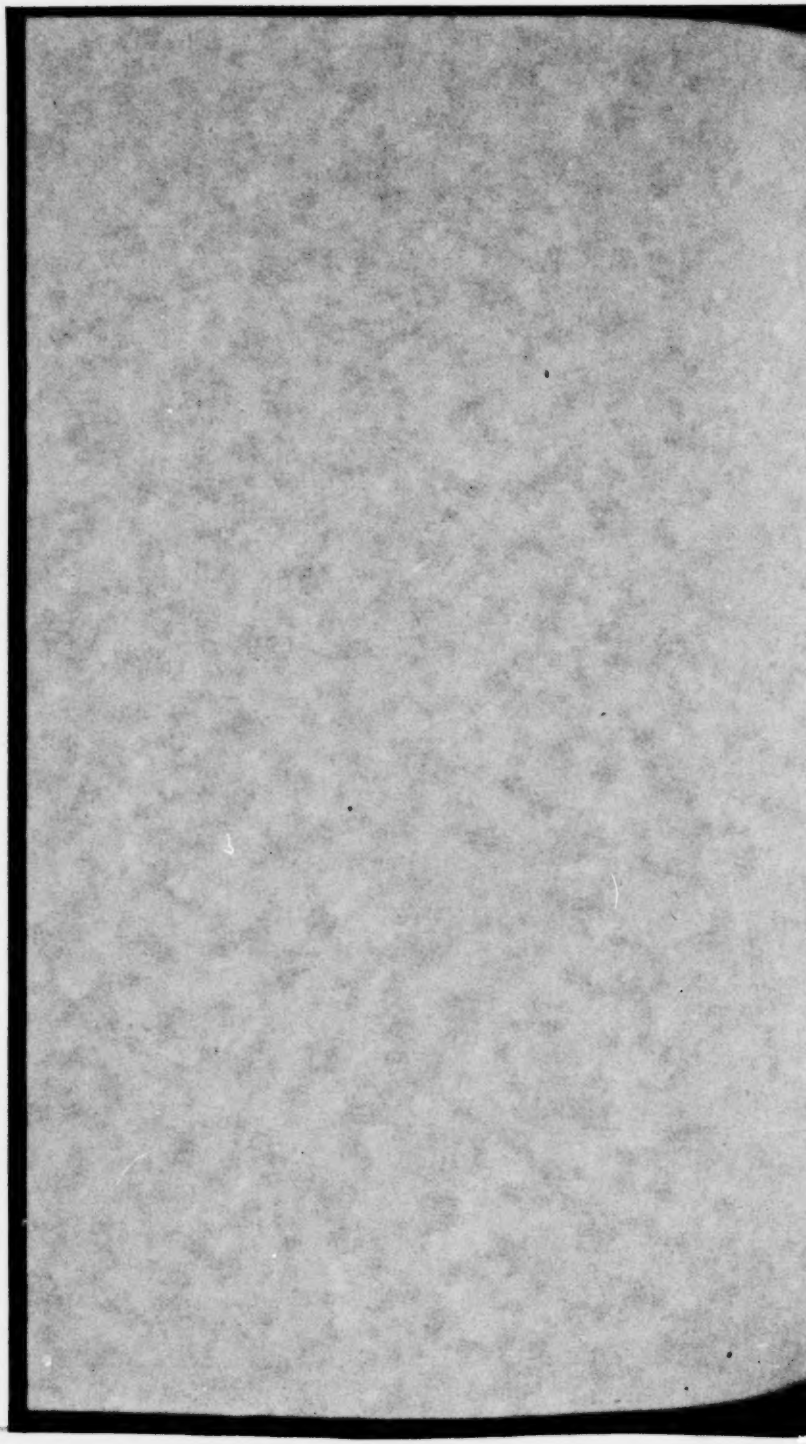
INTERNATIONAL PHOTOGRAPHERS OF THE MOTION PICTURE INDUSTRY LOCAL 659, etc., *et al.*,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

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IN THE

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CURTIS COURANT,

Petitioner,

vs.

INTERNATIONAL PHOTOGRAPHERS OF THE MOTION PICTURE INDUSTRY LOCAL 659, etc., *et al.*,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

To the Honorable, the Supreme Court of the United States:

The petition of Curtis Courant respectfully shows:

Summary of the Matter Involved.

This action involves the application of the principles announced in the *Steele* (323 U. S. 192) and *Tunstall* (323 U. S. 210) cases, that a union exercising its statutory bargaining rights "is clothed with power not unlike that of a legislature which is subject to constitutional limitations on its power to deny, restrict, destroy or discrimi-

nate against the rights of those for whom it legislates and which is also under an affirmative constitutional duty equally to protect those rights." (323 U. S. 192, 198.) In the present case, respondents, exclusive bargaining agents under the National Labor Relations Act, refused to bargain for or admit petitioner to membership, and at the same time prevented him from accepting the work he was offered, interposing as a bar, their closed shop contract in effect in the entire motion picture industry and executed pursuant to Section 8(c) of the Act prior to the amendments of June 23, 1947.

Petitioner brought an action for damages against the respondents in the United States District Court, and set forth in his complaint [R. 2, 3, 23] that jurisdiction was founded and arose under the Constitution of the United States, Article 1, Section 8, Article VI, the Fifth Amendment to the Constitution (Appendix A, p. 1), the National Labor Relations Act (Appendix B, pp. 2 and 3), the Polish Treaty (Appendix C, pp. 4, 5, 6 and 7), the United Nations Charter (Appendix D, pp. 8, 9, 10 and 11), 28 U. S. C. 41 (1), (8), (12), (13), (14), (17) and (23) (Appendix E, pp. 13 and 14), and the Anti-Trust Laws, 15 U. S. C. A. 15.

On motions of respondents to dismiss [R. 17, 20] prior to trial, the District Court rendered judgment of dismissal for lack of jurisdiction [R. 28]. The District Court judgment was affirmed by the Court of Appeals for the Ninth Circuit [R. 49], the court holding that neither the National Labor Relations Act, the Fifth Amendment, the

Treaty with Poland, the Sherman Act, nor the United Nations Charter gave petitioner any rights judicable in the federal court [R. 39 *et seq.,* 176 F. 2d 1000].

The allegations of the complaint set forth that from 1942 to the date of the filing of the complaint, April 8, 1948, respondents have been the statutory bargaining representatives for all first cameramen in the entire motion picture industry [R. 7, 8], an industry affecting interstate commerce [R. 4, 5]. Throughout this period, respondents have had closed shop contracts with all producers employing first cameramen [R. 12]. Ever since 1942, the date of their first closed shop contract, respondents have refused union membership to all first cameramen who thereafter applied [R. 12], and respondents have not permitted any non-union person to work as a first cameraman, except as hereafter noted. The acts of respondents were done with the intent to monopolize for themselves all positions of first cameramen within the motion picture industry [R. 12].

The complaint further alleged that petitioner entered the United States with an immigration visa under Polish quota in 1941, having 20 years' experience as a qualified first camerman and a reputation in this country for the excellent quality of his work [R. 9, 10]. Upon entry, petitioner immediately filed his declaration to become a citizen of the United States [R. 9]. He was given a job as first cameraman, and upon forms furnished by respondents, designated them as bargaining agents and applied for membership in respondent unions, doing all things as re-

quired by them for membership [R. 10, 11]. No question has ever been raised by respondents as to petitioner's qualifications to perform the highly skilled operations of first cameraman. Respondents denied petitioner membership, advising that he was not a citizen of the United States or Canada as required by their constitution [R. 13]. Furthermore, respondents would not allow him to work at the job he had obtained [R. 11]. This situation continued until 1947, that is, jobs being obtained by petitioner, applications to respondents, and their denial of membership and an opportunity to petitioner to work. However, on three occasions petitioner was allowed to work on motion pictures under a temporary "work permit" with limited conditions [R. 13, 14]. In 1947 petitioner became a citizen of the United States, and with another job opportunity, applied for membership, but at that time and ever since he was advised by respondents that their membership rolls were closed to all first cameramen [R. 9, 11, 13]. Even as a citizen he was denied the right to work at the jobs he was offered.

Jurisdiction of the Supreme Court.

The judgment of the United States Court of Appeals for the Ninth Circuit was entered on September 13, 1949 [R. 49]. The jurisdiction of this court is invoked under Title 28 of the United States Code, Section 1254(1).

Questions Presented.

Where (1) a statutory bargaining representative has closed its membership rolls and has a closed shop contract in an industry affecting interstate commerce, and

(2) a qualified workman has offers of employment while a Polish alien and thereafter as an American citizen,

Does the bargaining agency in refusing either to bargain for such workman, or admit him to membership, or permit him to work, act contrary to any of the following laws, treaties or constitutional provisions:

(a) National Labor Relations Act, Sections 7, 9(a), 8(3), prior to the amendments of June 23, 1947.

(b) Fifth Amendment to the Constitution.

(c) Article VI of the Constitution, the Treaty with Poland (48 Stat. L. 1507), United Nations Charter (59 Stat. L. 1046).

(d) Anti-Trust Laws, 15 U. S. C. A. 1-15.

Reasons for Allowance of Writ.

1. The decision of the Court of Appeals is in conflict with the following applicable decisions of the Supreme Court:

(a) A statutory bargaining representative cannot arbitrarily deny equal employment opportunities to members of the craft.

Steele v. Louisville and N. R. Co., 323 U. S. 192;

Tunstall v. Brotherhood of Locomotive Firemen and Enginemen, 323 U. S. 210;

Graham v. Brotherhood of Locomotive Firemen (decided Nov. 7, 1949), ... U. S. .....;

Wallace Corp. v. N. L. R. B., 323 U. S. 248.

(b) The "act of hiring" is the only right of bargaining residing in the individual workman.

J. I. Case Co. v. National Labor Relations Board, 321 U. S. 332, 335.

(c) Rights granted under Sections 7 and 9(a) of the National Labor Relations Act are protected against interference from any source.

Hill v. Florida, 325 U. S. 538.

(d) Denial of the duty to bargain for one with an employment opportunity is "a dam to self organization at the source of supply."

Phelps Dodge Corp. v. N. L. R. B., 313 U. S. 177, 185.

(e) A right granted by Congress, though no review is specifically provided for, is protected by the federal courts under the statutory provisions covering their general jurisdiction.

Tunstall v. Brotherhood of Locomotive Firemen and Enginemen, 323 U. S. 210;

Texas & N. O. R. Co. v. Brotherhood, 281 U. S. 548;

Virginia R. R. Co. v. System Federation, 300 U. S. 515;

Switchmen's Union v. National Mediation Board, 320 U. S. 297;

Stark v. Wickard, 321 U. S. 288.

(f) From time immemorial, holders of an exclusive franchise have had the duty to serve all without discrimination.

Munn v. Illinois, 94 U. S. 113;

Stafford v. Wallace, 258 U. S. 495;

United States v. Ohio Oil Co., 234 U. S. 548;

Slaughter House Cases, 16 Wall. 36;

The York Manufacturing Co. v. The Illinois Central Railroad, 3 Wall. 107, 70 U. S. 170;

Missouri Pac. Rwy. Co. v. Tucker, 230 U. S. 340.

(g) The right to accept employment, free from the unreasonable restraint of a Congressionally clothed bargaining representative, is protected by the Fifth Amendment.

Yick Wo v. Hopkins, 118 U. S. 356;

Truax v. Raich, 239 U. S. 33;

Mitchell v. Hitchman Coal and Coke Co., 245 U. S. 229;

Adams v. Tanner, 244 U. S. 590;

Allgeyer v. Louisiana, 165 U. S. 578;

Chicago, B. & Q. R. Co. v. McGuire, 219 U. S. 549;

Booth v. Illinois, 184 U. S. 425;

West Coast Hotel Co. v. Parrish, 300 U. S. 379;

Bautista v. Jones, 25 Cal. 2d 746, 155 P. 2d 343;

Betts v. Easley, 161 Kan. 459, 169 P. 2d 831, 166 A. L. R. 342.

(h) The protection to citizens afforded by the Fifth Amendment surrounds aliens as well.

Yick Wo v. Hopkins, 118 U. S. 356;

Truax v. Raich, 239 U. S. 33;

Asakura v. Seattle, 265 U. S. 332;

Takahashi v. Fish and Game Commission, 334 U. S. 410;

Oyama v. State of California, 332 U. S. 633.

See:

Shelley v. Kraemer, 334 U. S. 1, 10.

(i) Treaties are binding on individuals as well as governmental subdivisions.

Kennett v. Chambers, 14 How. 38, 49, 55 U. S. 318;

Gandolfo v. Hartman, 49 Fed. 181.

2. The decision of the Court of Appeals in the instant case, construing federal law, is in conflict with the courts of last resort in two states, a ground for granting a writ of certiorari. (*Edward Katzinger Co. v. Chicago Metallic Mfg. Co.,* 329 U. S. 394, 398.) The Court of Appeals in the present case decided that a statutory bargaining representative was not, in its internal affairs, acting as a federally authorized agency. The Kansas and California Supreme Courts have decided to the contrary.

Betts v. Easley, 161 Kan. 459, 169 P. 2d 831, 166 A. L. R. 342;

James v. Marinship, 25 Cal. 2d 721, 155 P. 2d 329, 160 A. L. R. 900;

Bautista v. Jones, 25 Cal. 2d 746.

3. The Court of Appeals has decided an important question of federal law which has not been, but should be, decided by the Supreme Court. While petitioner is of the opinion that the principles enunciated by the Supreme Court in cases cited in this petition establish his right, yet the particular facts as set forth in the complaint have not as yet appeared in any decision of the Supreme Court. The instant case is not an isolated situation, and an authoritative decision by the Supreme Court on the questions presented will be of utmost significance.

Wherefore, petitioner prays that a writ of certiorari be issued out of and under the seal of this Honorable Court, directed to the United States Circuit Court of Appeals for the Ninth Circuit, commanding that court to certify and to send to this Court for its review and determination the full and complete transcript of the record and of the proceedings of said court had in the case numbered and entitled in its docket No. 11972, Curtis Courant, Appellant, v. International Photographers of the Motion Picture Industry Local 659, etc., *et al.*, Appellees; and that the judgment of said court be reversed by this Court, and for such further relief as to this Court may seem proper.

Dated: Los Angeles, California, November 28, 1949.

CURTIS COURANT,

By HENRY B. ELY,

Counsel for Petitioner.



APPENDIX "A."

CONSTITUTION OF THE UNITED STATES.

ARTICLE I.

Section 8.

"The Congress shall have Power * * *

"To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; * * *"

ARTICLE VI.

"* * * and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; * * *"

FIFTH AMENDMENT.

"No person shall * * * be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation."

FOURTEENTH AMENDMENT.

"* * * nor shall any State deprive any person of life, liberty, or property, without due process of law; * * *"

APPENDIX "B."

NATIONAL LABOR RELATIONS ACT OF 1935.

Section 1 (29 U. S. C. A. 151):

"* * * *The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract,* and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of competitive wage rates and working conditions within and between industries.

Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

It is declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and *by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing,* for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection."

Section 2 (3) (29 U. S. C. A. 152):

"The term 'employee' shall include any employee, and shall not be limited to the employees of a particular employer, unless the chapter explicitly states otherwise, * * *"

Section 7 (29 U. S. C. A. 157):

"Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection."

Section 8 (3) (29 U. S. C. A. 158):

"* * * *Provided,* That nothing in sections 151-166 of this title or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in sections 151-166 of this title as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees as provided in section 159 (a) of this title, in the appropriate collective bargaining unit covered by such agreement when made."

Section 9 (a) (29 U. S. C. A. 159):

"(a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: * * *" (Italics ours.)

APPENDIX "C."

TREATY BETWEEN THE UNITED STATES AND POLAND OF FRIENDSHIP, COMMERCE, CONSULAR RIGHTS; PROCLAIMED JULY 10, 1933; 48 STAT. L. 1507.

The United States of America and the Republic of Poland, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a Treaty of Friendship, Commerce and Consular Rights and for that purpose have appointed as their plenipotentiaries:

The President of the United States of America, Henry L. Stimson, Secretary of State of the United States of America, and

The President of the Republic of Poland, Tytus Filipowicz, Ambassador Extraordinary and Plenipoteniary of Poland in Washington,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

Article I. The nationals of each of the High Contracting Parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; *to engage in professional, scientific, religious, philanthropic, manufacturing and commercial work of every kind;* to carry on every

form of commercial activity which is not forbidden by the local law; to own, erect, or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and mortuary purposes; *to employ agents of their choice;* and generally the said nationals shall be permitted, upon submitting themselves to all local laws and regulations duly established, to enjoy all of the foregoing privileges and to do anything incidental to or necessary for the enjoyment of those privileges, upon the same terms as nationals of the State of residence, except as otherwise provided by laws of either High Contracting Party in force at the time of the signature of this Treaty. In so far as the laws of either High Contracting Party in force at the time of the signature of this Treaty do not permit nationals of the other party to enjoy any of the foregoing privileges upon the same terms as the nationals of the State of residence, they shall enjoy, on condition of reciprocity, as favorable treatment as nationals of the most favored nation.

The nationals of either High Contracting Party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each High Contracting Party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, in all degrees of jurisdiction established by law.

The nationals of each High Contracting Party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. *Their property shall not be taken without due process of law and without payment of just compensation.*

Nothing contained in this Treaty shall be construed to affect existing statutes of either of the High Contracting Parties in relation to emigration or to immigration or the right of either of the High Contracting Parties to enact such statutes, provided, however, that nothing in this paragraph shall prevent the nationals of either High Contracting Party from entering, traveling and residing in the territories of the other party in order to carry on international trade or to engage in any commercial activity related to or connected with the conduct of international trade on the same terms as nationals of the most favored nation.

Nothing contained in this Treaty is to be considered as interfering with the right of either party to enact or enforce statutes concerning the protection of national labor.

* * * * * * * * *

Article XII. The nationals of either High Contracting Party shall enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, *such rights and privileges as have been or may hereafter be accorded the nationals of any other State*

with respect to the organization of and participation in limited liability and other corporations and associations, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no conditions less favorable than those which have been or may hereafter be imposed upon the nationals of the most favored nation. The rights of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either High Contracting Party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, National, State or Provincial, which are in force or may hereafter be established within the territories of the party wherein they propose to engage in business. (Italics ours.)

APPENDIX "D."

CHARTER OF THE UNITED NATIONS.
59 Stat. L. 1046.

PREAMBLE.

We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind; and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small; and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained; and

to promote social progress and better standards of life in larger freedom; and for these ends to practice tolerance and live together in peace with one another as good neighbors; and

to unite our strength to maintain international peace and security; and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest; and

to employ international machinery for the promotion of the economic and social advancement of all peoples; have resolved to combined our efforts to accomplish these aims.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

Chapter I. Purposes and Principles.

Article 1.

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. *To develop friendly relations among nations based on respect for the principle of equal rights* and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

Article 2.

The Organization and its Members, in pursuit of the purposes stated in Article 1, shall act in accordance with the following Principles:

1. The Organization is based on the principles of the sovereign equality of all its members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Article 55.

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. Higher standards of living, full employment, and conditions of economic and social progress and development;

b. Solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and

c. Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56.

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

(Italics ours.)

APPENDIX "E."

(OLD) 28 U. S. C. A. 41 (1):

"First: Of all suits of a civil nature, at common law or in equity, brought by the United States, or by any officer thereof authorized by law to sue, or between citizens of the same State claiming lands under grants from different States; or, where the matter in controversy exceeds, exclusive of interest and costs, the sum or value of $3,000, and (a) arises under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, . . ."

(NEW) 28 U. S. C. 1331:

"The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of $3,000, exclusive of interest and costs, and arises under the Constitution, laws or treaties of the United States."

(OLD) 28 U. S. C. A. 41 (8):

"Of all suits and proceedings arising under any law regulating commerce."

(NEW) 28 U. S. C. 1337:

"The district courts shall have original jurisdiction of any civil action or proceeding arising under any Act of Congress regulating commerce or protecting trade and commerce against restraints and monopolies."

(OLD) 28 U. S. C. A. 41 (12):

"Of all suits authorized by law to be brought by any person for the recovery of damages on account of any injury to his person or property, or of the deprivation of

any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 47 of Title 8."

(OLD) 28 U. S. C. A. 41 (13):

"Of all suits authorized by law to be brought against any person who, having knowledge that any of the wrongs mentioned in section 47 of Title 8, are about to be done, and, having power to prevent or aid in preventing the same, neglects or refuses so to do, to recover damages for any such wrongful act."

(OLD) 28 U. S. C. A. 41 (14):

"Of all suits at law or in equity authorized by law to be brought by any person to redress the deprivation, under color of any law, statute, ordinance, regulation, custom, or usage, of any State, of any right, privilege, or immunity, secured by the Constitution of the United States, or of any right secured by any law of the United States providing for equal rights of citizens of the United States, or of all persons within the jurisdiction of the United States."

(NEW) 28 U. S. C. 1343:

"The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 47 of Title 8;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 47 of Title 8 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States."

(OLD) 28 U. S. C. A. 41 (17):

"Of all suits brought by any alien for a tort only, in violation of the laws of nations or of a treaty of the United States."

(NEW) 28 U. S. C. 1350:

"The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States."

(OLD) 28 U. S. C. A. 41 (23):

"Of all suits and proceedings arising under any law to protect trade and commerce against restraints and monopolies."

(NEW) 28 U. S. C. 1337:

(See above.)

(Italics ours.)